

Appl. No. : 10/783,412
Filed : February 20, 2004

REMARKS

In the Office Action mailed September 20, 2005, the Examiner rejected claims 1 – 16 under 35 U.S.C. § 102 (b) as being anticipated by the Pay reference (U.S. Patent No. 5,710,043). By this paper, the Applicant has amended Claims 1, 8 and 15 to highlight the subject matter that the Applicant believes is patentable over the cited art. Hence, reconsideration of the above-captioned application in light of the amendments and remarks contained herein is now respectfully requested.

In the Office Action, the Examiner rejected the pending claims in view of the Pay reference. However, after carefully reviewing Pay, the Applicant notes that Pay fails to teach or disclose the concept of the insert and the carrier engaging in a manner that prevents rotation of the insert with respect to the carrier (*See, e.g.*, Claim 1 as amended). Pay specifically discloses a plurality of wells that are threadably engaged into a carrier and thus rotate with respect to the carrier. As such, Pay cannot anticipate Claim 1 as amended as it does not disclose a rotation preventing interaction between the carrier and the insert.

Moreover, Pay expressly teaches away from the concept of having the insert positioned within the carrier in a manner that prevents rotation. Pay contemplates being able to move the well in a z-direction with respect to the carrier which, in the Pay design, requires that the well be rotatable about the threads so as to secure the well in the carrier but still allow the well to be adjusted with respect to the carrier. As such, there would be no motivation to modify the Pay reference to make the well not-rotatable as such a modification would defeat the main purpose of Pay having the threaded engagement.

Moreover, the threads in the Pays reference cannot function as a grip that “permit[s] transfer of the insert by a user or an automated machine” within the meaning of Claim 1. Specifically, in Pays, a person or a machine cannot grip the outer edge of the threaded surface to position the insert into the carrier as the person or automated machine could not “grip” the threaded surface to perform the transfer as the person or automated machine would have to remove their grip on the surface to rotate the insert into the threaded opening. For these additional and independent reasons, the Applicant submits that Claim 1 further defines over the Pays reference.

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For the foregoing reasons, the Applicant believes that Claim 1, as amended, is allowable over the art of record. The Applicant has also amended Claims 8 and 15 to incorporate similar limitations and believes that these claims are also allowable over the art of record. The Applicant further submits that the remaining claims define additional patentable subject matter and are further allowable due to their respective dependency on Claims 1, 8 and 15. The Applicant, therefore, believes the above-captioned application is now in condition for allowance and requests the prompt allowance of the same. Should there be any impediment to the prompt allowance of this application that could be resolved by a telephone conference, the Examiner is respectfully requested to call the undersigned at the number shown below.

Please charge any additional fees, including any fees for additional extension of time, or credit overpayment to Deposit Account No. 11-1410.

Respectfully submitted,

KNOBBE, MARTENS, OLSON & BEAR, LLP

Dated: 2/16/06

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